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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ELECTRONIC FRONTIER FOUNDATION,

Plaintiff,

v.

NATIONAL SECURITY AGENCY, OFFICE  
OF THE DIRECTOR OF NATIONAL  
INTELLIGENCE,

Defendants.

Case No.: 14-cv-03010-RS

**STIPULATION AND ~~PROPOSED~~  
ORDER] TO EXTEND DEADLINE  
FOR PARTIES TO REPORT TO THE  
COURT WHETHER THEY HAVE  
REACHED AN AGREEMENT  
ON THE ISSUE OF ATTORNEYS'  
FEES AND COSTS**

Hon. Richard Seeborg

Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure and Local Civil Rule 6-2, Defendants request and the parties, by and through undersigned counsel, have conferred and hereby stipulate to and respectfully request that the Court extend the deadline from May 6 to June 6, 2016 for the parties to report to the Court regarding whether they have reached agreement or whether the plaintiff's claim for costs and attorneys' fees will be presented to the Court for consideration.

The parties provide the following bases in support of their request:

1. On March 17, 2016, the Court granted the Government's motion for summary judgment and denied Plaintiff's cross-motion for summary judgment. *See* Order Re: Cross Motions for Summary Judgment (ECF No. 41) ("Order");
2. The Court ordered that the Government submit a proposed final judgment, *see* Order at 5, which it did on April 7, 2016. *See* [Proposed] Final Judgment (ECF No. 43-1);
3. The Court entered final judgment on April 7, 2016. *See* Final Judgment (ECF No. 45);
4. In that Final Judgment, the Court ordered that, by May 6, 2016, the parties must submit a report stating "whether the parties have reached agreement or whether the plaintiff's claim" for attorneys' fees and costs "will be presented to the Court for consideration." Final Judgment at 1;
5. Since that time the parties have been engaged in good faith discussions regarding attorneys' fees and costs in an effort to resolve this issue without motions practice;
6. Due to a variety of competing priorities, particularly for the Government, those discussions are not yet complete;
7. The parties request that the deadline for the parties to report to the Court on this issue be extended from May 6 to June 6, 2016, to allow for these discussions to be completed.

1 DATED: May 6, 2016

Respectfully submitted,

2 BENJAMIN C. MIZER  
Principal Deputy Assistant Attorney General

3 MELINDA HAAG  
4 United States Attorney

5 ELIZABETH J. SHAPIRO  
6 Deputy Branch Director

7 /s/ Rodney Patton  
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13 /s/ Andrew Crocker  
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18 *Attorneys for Plaintiff*  
19 *Electronic Frontier Foundation*

20 **ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)**

21 I, Rodney Patton, hereby attest that I obtained the concurrence of Andrew Crocker, counsel  
22 for the Plaintiff, Electronic Frontier Foundation, in the filing of this document.


23 /s/ Rodney Patton  
24 RODNEY PATTON  
25 Senior Counsel  
26 United States Department of Justice  
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PURSUANT TO STIPULATION, it is hereby ORDERED that

1. The current deadline of May 6 for the parties to report to the Court about whether they have resolved the issue of attorneys' fees and costs be extended to June 6, 2016.
2. The parties will report to the Court on or before June 6, 2016, regarding whether the parties have reached agreement on this issue or whether the plaintiff's claim will be presented to the Court for consideration.

AND IT IS SO ORDERED.

Dated: 5/10/16

  
HON. RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE